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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,831	08/24/2001	Yoshihiro Yoshii	826.1744	9739

21171 7590 02/06/2006

STAAS & HALSEY LLP
 SUITE 700
 1201 NEW YORK AVENUE, N.W.
 WASHINGTON, DC 20005

EXAMINER

JONES III, CLYDE H

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/935,831	Applicant(s) YOSHII ET AL.	
	Examiner Clyde H. Jones III	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/24/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being vague for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, it is vague because the phrase "a distributor-information input unit making a media distributor that wants to use **the shared resource input information** about the distributor itself" on lines 4-5 can be interpreted in two ways as follows (a) a distributor uses shared resources by inputting information about itself or (b) a distributor inputs shared resource information.

In order to advance prosecution on the merits, the Examiner has interpreted the phrase "a distributor-information input unit making a media distributor that wants to use **the shared resource input information** about the distributor itself" on lines 4-5 to be -- a distributor-information input unit making a media distributor that wants to use the shared resource₁ input information about the distributor itself--.

The phrase "a distributor authentication unit authenticating the media distributor based on **the shared resource input information**" on lines 6-7 can be can be interpreted in two ways as follows (a) a distributor is authenticated based on input

information about itself or (b) a distributor is authenticated based on input shared resource information.

In order to advance prosecution on the merits, the Examiner has interpreted the phrase the phrase "a distributor authentication unit authenticating the media distributor based on the shared resource input information" on lines 6-7 has been interpreted by the Examiner to be -- a distributor authentication unit authenticating the media distributor based on the [shared resource] input information--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102b as being anticipated by Gelman et al. (US 5,371,532).

Regarding claim 1, Gelman anticipates a media-distribution-resource management apparatus (and corresponding computer-readable storage medium, means, and carrier signal) which is a resource-shared media-distribution-resource management apparatus using a network (items 90, 91, 12, 13 -fig. 2-3; col. 3, lines 24-37; col. 4, line 65- col. 5, line 11; col. 1, lines 23-28), comprising:

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a resource-utilization-information management unit (IWH 10 – fig. 2-3) managing shared-resource information about both available network resources (conductive traffic (available) conditions on the network; col. 12, lines 11-15 & 23-24) and available media-distribution-system resources (scheduled client offices 40; col. 12, lines 21-26; col. 3, lines 41-47; col. 4, lines 13-23; col. 6, lines 33-40);

a shared-resource management unit (IWH 10) distributing or re-distributing the shared resources based on a resource utilization request from each content distributor (CO 40 –fig. 2-3) (col. 3, lines 45-47; col. 6, lines 43-50);

a distribution management unit (CO-SP 41 – fig. 3) which is provided in each media distribution server (CO – 40) and which performs both reservation management and distribution management of media distribution in each of the media distribution servers within a scope of a utilization right (scripts) distributed or re-distributed by the shared-resource management unit (IWH 10) (col. 6, line 61 – col. 7, line 10; col. 11, lines 28-42; col. 8, line 53 – col. 9, line 33);

a distributor management unit (IWH 10/IWH-SP 11 – fig. 3) managing information about a media distributor (CO 40) that wants to use the shared resources (col. 6, lines 43-50; col. 6, line 68 – col. 7, line 1); and

a viewer management unit (CO 40) managing information about a viewer (col. 3, lines 49-52; col. 3, lines 61-66).

Regarding claim 2, Gelman anticipates the resource-utilization-information management unit (IWH 10), comprising:

a server-resource management unit (IWH-SP 11 – fig. 3) managing resource information about a media-distribution server (12/14 – fig. 3) (col. 6, lines 46-50); and

a network-resource management unit (IWH-SP 11- fig. 3) managing information about network resources for media distribution (col. 12, lines 11-26).

Regarding claim 3, Gelman anticipates the shared-resource management unit (IWH 10), comprising:

a resource-utilization-information extraction unit (IWH-SP 11 – fig. 3) extracting available resource information from said resource-utilization-information management unit (col. 12, lines 11-12); and

a shared-resource-availability display unit displaying information about available shared resources for a media distributor (CO –40) (col. 11, lines 39-48 & lines 62-64);

a resource-utilization-information input unit (15) the media distributor inputting a resource utilization request (col. 6, lines 51-56);

a shared-resource distribution unit distributing a utilization right of the shared resource in a specific time period to said distribution management unit installed in each of the media distributors based on information that is obtained in each time zone by the resource-utilization-information extraction unit and resource-utilization-information input unit (col. 11, lines 29-42; col. 6, lines 24-26 & lines 42-45 and col. 8, lines 22-24; which reads on specific time period; col. 12, lines 18-26);

a shared-resource-utilization amount extraction unit extracting a utilization situation of the shared resource in a specific time period (col. 12, lines 11-26); and

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a shared-resource re-distribution unit redistributing a utilization right of an unused one of the shared resources to said distribution management unit based on both the utilization situation and distribution request in a specific time period extracted by said distribution management unit (col. 8, lines 53-col. 9, line 33; col. 9, lines 52-56; which reads on a specific time period extracted).

Regarding claim 4, Gelman anticipates the distribution management unit (CO 40), comprising:

an available reservation-candidate display unit displaying available content candidates to be reserved within a scope of a utilization right distributed by said shared-resource management unit (col. 11, lines 22-42);

a distribution-reservation input unit making a viewer select at least one content to be distributed out of the displayed candidates (col. 11, lines 42-44);

a distribution-reservation management unit reserving distribution for a viewer based on the selection made by the viewer from the displayed candidates (col. 11, lines 45-50);

a direct viewing reception unit making a viewer candidate without a reservation within a media distribution time (col. 11, lines 55-61; a program previously buffered in online storage);

a shared-resource confirmation unit making an inquiry for said shared-resource management unit about whether an unused one of the shared resources is available,

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based on the selection made by the viewer from the displayed candidates (col. 11, lines 55-64);

a direct-viewing permitting unit permitting viewing within the media distribution time based on the utilization right re-distributed by said shared-resource management unit (col. 11, line 64- col. 12, line 26; col. 8, line 53 – col. 9, lines 33; which reads on re-distributed); and

a distribution-instructing unit instructing the media distribution server to perform media distribution to a viewer that is permitted to receive direct distribution out of both viewers with the reservation of media distribution and viewer candidates without reservations (col. 12, lines 15-19).

Regarding claim 7, it is analyzed and rejected the same as claim 1 above.

Regarding claim 8, it is analyzed and rejected the same as claim 1 above.

Regarding claim 9, it is analyzed and rejected the same as claim 1 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman et al. (US 5,371,532) and Waters (US 2002/0052876 A1).

Regarding claim 5, Gelman discloses the distributor management unit/IWH 10 is connected to a plurality of media distributors/COs 40 (fig.2) via a (bidirectional link) network 90 however, Gelman fails to disclose the distributor management unit (IWH 10), comprising:

- a media distributor that wants to use the shared resource, input information about the distributor itself; and

- a distributor authentication unit authenticating the media distributor based on the [shared resource] input information.

In an analogous art Waters discloses a distributor management unit (201 – fig. 2), comprising:

- a distributor-information input unit making a distributor (servers 202, 203) input information about the distributor itself (servers 202, 203 give their server ID to server manager 201); and

- a distributor authentication unit authenticating the distributor based on the input information (server manager 201 uses a received server ID to authenticate 202,203) for the advantage of detecting session/login status and whether a server has crashed (pg. 5, par. 34).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Gelman to include the limitations the distributor management unit, comprising:

a distributor-information input unit making a media distributor that wants to use the shared resource input information about the distributor itself; and

a distributor authentication unit authenticating the media distributor based on the input information as taught by Waters for the added advantage of determining whether a CO in the network has crashed (Waters - par. 34, lines 36-40).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman et al. (US 5,371,532) and Saito et al. (US 6,275,941 B1).

Regarding claim 6, Gelman discloses dynamically dedicating a CO buffer 44 (fig. 2) to individual viewer candidates/CPEs 70/VOD subscribers from a plurality of CPEs (col. 7, lines 2-21) however, Gelman fails to disclose the viewer management unit (CO 40), comprising:

a viewer-information input unit inputting information about a viewer candidate; and

a viewer authentication unit authenticating the viewer candidate based on the input information.

In an analogous art Saito discloses the viewer management unit/application server 6 (fig. 1), comprising:

a viewer-information input unit inputting information about a viewer candidate;
and

a viewer authentication unit authenticating the viewer candidate based on the input information (col. 8, line 67 – col. 9, line 11), for the purpose of checking whether the user has right to access the application server based on security information (col. 9, lines 12-15).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Gelman to include the limitations the viewer management unit, comprising:

a viewer-information input unit inputting information about a viewer candidate;
and

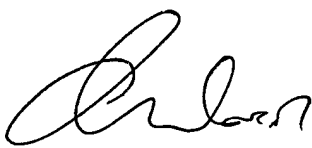
a viewer authentication unit authenticating the viewer candidate based on the input information as taught by Saito for the advantage of increased security and user access control (Saito - col. 9, lines 12-15; Gelman – col. 7, lines 2-4).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600